

SAMPLE

UD COMPLAINT

Rev. 1.1.2024

Please complete the following
forms in blue or blank ink.

Your First/Last Name
Your Street Address Apt # City, State, Zip Code
Your Phone #

FOR COURT USE ONLY

SAMPLE ONLY
Do not write on this copy!

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara
STREET ADDRESS: 191 N. First Street
MAILING ADDRESS: 191 N. First Street
CITY AND ZIP CODE: San Jose, CA 95113
BRANCH NAME: Civil Courthouse - DTS

CASE NAME: Your Last Name vs. Tenant's Last Name

CIVIL CASE COVER SHEET
Unlimited (Amount demanded exceeds \$35,000)
Limited (Amount demanded is \$35,000 or less)

Complex Case Designation
Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
JUDGE:
DEPT.:
Leave Blank

Items 1-6 below must be completed (see instructions on page 2).

- 1. Check one box below for the case type that best describes this case:
Auto Tort
Contract
Provisionally Complex Civil Litigation
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
Real Property
Enforcement of Judgment
Non-PI/PD/WD (Other) Tort
Unlawful Detainer
Miscellaneous Civil Complaint
Employment
Judicial Review
Miscellaneous Civil Petition

- 2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
a. Large number of separately represented parties
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. Substantial amount of documentary evidence
d. Large number of witnesses
e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): ONE
5. This case is is not a class action suit.
6. Today's Date in related cases, file and serve a notice of related case. (You may use form CM-015.)

Print Your Name

Sign Your Name
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
File this cover sheet in addition to any cover sheet required by local court rule.
If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

FOR COURT USE ONLY

Your First/Last Name
Your Street Address Apt # City, State, Zip Code
Your Phone #

**SAMPLE
ONLY
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on this copy!**

EMAIL ADDRESS:

ATTORNEY FOR (name): **Self-Represented**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF **Santa Clara**

STREET ADDRESS: **191 N. First Street**

MAILING ADDRESS: **191 N. First Street**

CITY AND ZIP CODE: **San Jose, CA 95113**

BRANCH NAME:

Your First and Last Name

PLAINTIFF:

DEFENDANT:

Tenant's First/Last Name & Other Tenant's Names

CASE NUMBER:

Leave Blank

**VERIFICATION BY LANDLORD REGARDING
RENTAL ASSISTANCE—UNLAWFUL DETAINER**

This form must be filed by the plaintiff with any request for default judgment in any unlawful detainer action seeking possession of residential property based on nonpayment of rent or any other financial obligation under a lease. It may also be used at other times as appropriate or when requested by a judicial officer.

1. The landlord of the property at issue in this case is (name):

Your Name

2. All of the following statements are true:

- a. Landlord has not received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint in this action.
- b. Landlord has not received rental assistance or other financial compensation from any other source for rent accruing after the date of the notice underlying the complaint in this action.
- c. Landlord does not have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint in this action.
- d. Landlord does not have any pending application for rental assistance or other financial compensation from any other sources for rent accruing after the date of the notice underlying the complaint in this action.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Today's Date

Print your name here

(TYPE OR PRINT NAME)

Sign your name here

(SIGNATURE)

(TITLE—provide if signing on behalf of corporation or other business entity)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER

Your First/Last Name
Your Street Address Apt # City, State, Zip Code
Your Phone #

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EMERGENCY CONTACT: _____

ATTORNEY FOR (name): _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
 STREET ADDRESS: 191 N. First Street
 MAILING ADDRESS: 191 N. First Street
 CITY AND ZIP CODE: San Jose, CA 95113
 BRANCH NAME: Civil Courthouse - DTS

PLAINTIFF: **Your First and Last Name**

DEFENDANT: **Tenant's First/Last Name & Other Tenant's Names**

PLAINTIFF'S MANDATORY COVER SHEET AND SUPPLEMENTAL ALLEGATIONS—UNLAWFUL DETAINER

CASE NUMBER: **Leave Blank**

All plaintiffs in unlawful detainer proceedings must file and serve this form. Filing this form complies with the requirement in Code of Civil Procedure section 1179.01.5(c).

- Serve this form and any attachments to it with the summons.
- If a summons has already been served without this form, then serve it by mail or any other means of service authorized by law.
- If defendant has answered prior to service of this form, there is no requirement for defendant to respond to the supplemental allegations before trial.

To obtain a judgment in an unlawful detainer action for nonpayment of rent on a residential property, a plaintiff must verify that no rental assistance or other financial compensation has been received for the amount demanded in the notice or accruing afterward, and that no application is pending for such assistance. To obtain a default judgment, plaintiff must use Verification by Landlord Regarding Rental Assistance—Unlawful Detainer (form UD-120) to make this verification and provide other information required by statute.

1. PLAINTIFF (name each):

Your First and Last Name

alleges causes of action in the complaint filed in this action against DEFENDANT (name each):

Tenant's First/Last Name & Other Tenant's Names

2. Statutory cover sheet allegations (Code Civ. Proc., § 1179.01.5(c))

a. This action seeks possession of real property that is (check all that apply) residential (If "residential" is checked, complete all remaining items that apply to this action. If only "commercial" is checked, no further items need to be completed except the signature and verification on page 2.)

b. This action is based, in whole or in part, on an alleged default in payment of rent or other charges. Yes No

Check "yes" if tenant owes you rent or other charges

3. Statements regarding rental assistance (Required in all actions based on nonpayment of rent or any other financial assistance. If this item is checked, no further statements regarding rental assistance are required.)

Answer "Yes" or "No" for items a-d

- a. Has plaintiff received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? Yes No
- b. Has plaintiff received rental assistance or other financial compensation from any other source for rent accruing after the date of the notice underlying the complaint? Yes No
- c. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint? Yes No
- d. Does plaintiff have any pending application for rental assistance or other financial compensation from any other source for rent accruing after the date on the notice underlying the complaint? Yes No

PLAINTIFF:	Your First and Last Name	Leave Blank
DEFENDANT:	Tenant's First/Last Name & Other Tenant's Names	

4. **Other allegations** Plaintiff makes the following additional allegations: *(State any additional allegations below, with each allegation lettered in order, starting with (a), (b), (c), etc. If there is not enough space below, check the box below and use form MC-025, title it Attachment 4, and letter each allegation in order.)* Other allegations are on form MC-025.

5. Number of pages attached *(specify):*

Date: **Today's Date**

Print your name here
(TYPE OR PRINT NAME)

Sign your name here
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

Sign your name here

(SIGNATURE)

SUMMONS—EVICTION
(CITACIÓN JUDICIAL—DESALOJO)

SUM-130

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY
(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Tenant's First/Last Name & Other Tenant's Names

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Your First and Last Name

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**SAMPLE
ONLY**

**Do not write
on this copy!**

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 5 days. You have 5 DAYS, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have 10 days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courts.ca.gov/selfhelp), or by contacting your local court or county bar association.

¡AVISO! Usted ha sido demandado. Si no responde dentro de 5 días, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene 5 DÍAS, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante. Si la presente citación le ha sido entregado a través del programa de dirección confidencial del Secretario del Estado Seguro en Casa, tiene 10 días después de la fecha de entrega, sin contar sábado y domingo y otros días feriados del tribunal, para responder.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpca.org/es), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados local.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier monto de \$10,000 ó más recibido mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

1. The name and address of the court is:

Superior Court of California, County of Santa Clara
191 N. First Street, San Jose, CA 95113

CASE NUMBER (leave blank) (le caso):

Leave Blank

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el

Your First/Last Name Your Street Address Apt # Your Phone #
Your City, State, Zip Code

PLAINTIFF (Name):	Your First and Last Name	CASE NUMBER:	Leave Blank
DEFENDANT (Name):	Tenant's First/Last Name & Other Tenant's Names		

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415) did not did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 4 below.)

4. Unlawful detainer assistant (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

a. A
b. T
c. S
d. C
e. F
f. F

Leave Blank

Date:
(Fecha)

(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)

[SEAL]

5. **NOTICE TO THE PERSON SERVED:** You are served

a. as an individual defendant.

b. as the person sued under the fictitious name of (specify):

c. as an occupant.

d. on behalf of (specify):

under CCP 416.10 (corporation). CCP 416.60 (minor).

CCP 416.20 (defunct corporation). CCP 416.70 (conservatee).

CCP 416.40 (association or partnership). CCP 416.90 (authorized person).

CCP 415.46 (occupant). other (specify):

e. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:

NAME: **Your First/Last Name Your Street Address Apt #**

FIRM: **Your City, State, Zip Code**

STREET: **Your Phone #**

CITY: **Your City, State, Zip Code**

TELEPHONE: **Your Phone #**

EMAIL ADDRESS:

ATTORNEY FOR (name):

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara

STREET ADDRESS: 191 N. First Street

MAILING ADDRESS: 191 N. First Street

CITY AND ZIP CODE: San Jose, CA 95113

BRANCH NAME: Civil Courthouse, DTS

PLAINTIFF: **Your First and Last Name**

DEFENDANT: **Tenant's First/Last Name & Other Tenant's Names**

DOES

COMPLAINT—UNLAWFUL DETAINER*

COMPLAINT AMENDED COMPLAINT (Amendment Number):

CASE NUMBER: **Leave Blank**

Jurisdiction (check all that apply): **Choose which box applies**

ACTION IS A LIMITED CIVIL CASE (amount demanded does not exceed \$10,000 exceeds \$10,000)

ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$35,000)

ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply):

from unlawful detainer to general unlimited civil (possession not in issue). from limited to unlimited.

from unlawful detainer to general limited civil (possession not in issue). from unlimited to limited.

1. PLAINTIFF (name each): **Your First and Last Name**

alleges causes of action against DEFENDANT (name each): **Tenant's First/Last Name & Other Tenant's Names**

2. a. Plaintiff is (1) an individual over the age of 18 years. (4) a partnership. (2) a public agency. (5) a corporation. (3) other (specify):

b. Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):

3. a. The venue is the court named above because defendant named above is in possession of the premises located at (street **Rental Property Complete Address** **Santa Clara County**)

b. The premises in 3a are (check one)

(1) within the city limits of (name **Choose Which Box Applies**)

(2) within the unincorporated area of (name of county):

c. The premises in 3a were constructed in (approximate year): **Do you own or manage property or etc?**

4. Plaintiff's interest in the premises is as owner other (specify):

5. The true names and capacities of defendants sued as Does are unknown to plaintiff

* NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

PLAINTIFF: Your First and Last Name	CASE NUMBER: Leave Blank
DEFENDANT: Tenant's First/Last Name & Other Tenant's Names	

6. a. On or about (date): **Date tenant signed lease or verbally agreed (if no lease) to rent**
 defendant (name each):

First and Last name of each tenant that signed lease or verbally agreed (if no lease) to rent from you

(1) agreed to rent the premises (specify):
 (2) agreed to pay rent of \$ (specify frequency):
 (3) agreed to pay rent on the

Choose each box that describes your lease agreement or verbal agreement (if no lease) with tenant(s) you are evicting. *If there was a written agreement, attach a copy to this Complaint.

b. This written oral
 (1) plaintiff. (3)
 (2) plaintiff's agent. (4)

c. The defendants not named in item 6a are
 (1) subtenants.
 (2) assignees.
 (3) Other (specify)

Check "6.c." and (1) - (3) if there are any other people living in the rental unit that are not apart of the written or verbal rental agreement.

d. The agreement was later changed as follows (specify):

Check "6.d." if changes were made to your original rental agreement and describe them.

e. A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and

Check "6.e." if you have a written rental agreement, attach it and label it "Exhibit 1".

f. (for residential property) A copy of the written agreement is not attached because (specify reason):

(1) the written agreement is not attached because (specify reason):
 (2) this action

Check "6.f." if you don't have a written rental agreement and choose (1) or (2).

7. The tenancy described

a. is exempt is
 b. is subject to

Check box 7.a. if at least one tenant has continuously occupied property less than 12 months and no other tenant has occupied the property over 24 months, otherwise, check box 7.b.

8. (Complete only if item 7b is checked. Check all applicable boxes.)

a. The tenancy was terminated for no-fault just cause (Civil Code, § 1946.2(b)(1)).

Check #8(a) if tenant failed to pay rent

b. The tenancy was terminated for no-fault just cause (Civil Code, § 1946.2(b)(2)) and the plaintiff (check one)

(1) waived the payment of rent for the final month of the tenancy, before the rent came due, under section 1946.2(d)(2), in the amount of \$
 (2) provided a direct payment of one month's rent under section 1946.2(d)(3), equaling \$ to (name each defendant and amount given to each):

c. Because defendant failed to vacate, plaintiff is seeking to recover the total amount in 8b as damages in this action.

9. a. Defendant (name each): **List Tenant's First and Last Name(s) you are evicting.**

was **Mark which notice you served on Tenant(s) and attach a copy and label it "Exhibit 2".**

- (1) 3-day notice to pay rent or quit
- (2) 30-day notice to quit
- (3) 60-day notice to quit
- (4) 3-day notice to quit
- (5) 3-day notice to perform covenants or quit (not applicable if item 7b checked)
- (6) 3-day notice to quit under Civil Code, § 1946.2(c) Prior required notice to perform covenants served (date):
- (7) Other (specify):

Contact Self Help staff if the rent you are owed is for time period of March 2020 - March 2022

PLAINTIFF:	Your First and Last Name	CASE NUMBER:	Leave Blank
DEFENDANT:	Tenant's First/Last Name & Other Tenant's Names		

9. b. (1) On (date): **Write the date the notice expired. (MM/DD/YYYY)** expired at the end of the day.
 (2) Defendants _____
 c. All facts stated in the notice are true.
 d. The notice included an election of forfeiture.
 e. A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1166. When Civil Code, § 1946.2(c), applies and two notices are required, provide copies of both.)
 f. One or more defendants were served (1) with the prior required notice under Civil Code, § 1946.2(c), (2) with a different notice, (3) on a different date, or (4) in a different manner, as stated in Attachment 10c. (Check item 10c and attach a statement providing the information required by items 9a–e and 10 for each defendant and notice.)

10. a. The notice in item 9a was served on the defendant named in item 9a as follows:

- (1) By personal service on _____ at defendant's _____ defendant's place of residence
 (2) By leaving a copy of the notice with a person of suitable age and discretion at _____ defendant's residence or usual place of business.
 on (date): _____
 (3) By personal service AND _____ mailing a copy to defendant at the premises
 on (date): _____
 (a) _____ cannot be ascertained OR
 (b) because no person of suitable age or discretion can be found there.
 (4) (Not for 3-day notice; see Civil Code, § 1946, before using) By sending a copy by certified or registered mail addressed to defendant on (date): _____

Check (1) - (5) to explain how the tenant(s) got the above notice served on them.

(5) (Not for residential use) _____ specified in a written commercial lease agreement.

Check 10.b. if you only served one tenant instead of everyone because of a joint written rental agreement.

b. (Name): _____ was served on behalf of all defendants who signed a joint written rental agreement.

Attach proof of service for the notice you gave the tenant(s) above and label it "Exhibit 3".

c. Information about the notice is attached to Attachment 10c.
 d. Proof of service is attached to Attachment 10c.

11. Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.

12. At the time the 3-day notice to pay rent or quit was served, the amount of rent due was \$ _____

13. The fair rental value of the premises is \$ _____ Monthly rent divided by 30 per day.

14. Defendant is claiming statutory damages under Code of Civil Procedure _____ supporting a claim up to \$600 in Attachment 14.)

15. A written contract between the parties provides for attorney fees.

16. Defendant is claiming a local rent control or eviction control ordinance of (city or county, title of ordinance, and date) _____

Check boxes 11. - 17. that apply in your case and provide requested information.

Plaintiff has met all applicable requirements of the ordinances.

17. Other allegations are stated in Attachment 17.

18. Plaintiff accepts the jurisdictional limit, if any, of the court.

PLAINTIFF:	Your First and Last Name	CASE NUMBER:	Leave Blank
DEFENDANT:	Tenant's First/Last Name & Other Tenant's Names		

19. PLAINTIFF REQUESTS:

a. possession of the premises.

b. costs incurred in this proceeding.

c. past-due rent of \$ **Amount listed on your 3 day notice.**

d. reasonable attorney fees.

e. forfeiture of the agreement.

f. damages in the amount of waived rent or relocation assistance as stated in item 8: \$

g. damages at the rate stated in item 13 from **date:**

h. statutory damages.

i. other (specify):

If you gave tenant a 3-day Notice to Pay or Quit, list the 1st date when rent is due again after your notice was served.

County of judgment: _____
 Item 14: _____

Check box (d) if your written rental agreement calls for attorney fees

If you gave tenant a 3-day Notice to Pay or Quit, list the 1st date when rent is due again after your notice was served.

20. Number of pages attached (specify): **# of pages attached to your complaint**

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400–6415)

21. (Complete in all cases.) An unlawful detainer assistant did not did for compensation give advice or assistance with this form. (If declarant has received **any** help or advice for pay from an unlawful detainer assistant, complete a–f.)

a. Assistant's name: _____

b. Street address, city, and zip code: _____

c. Telephone no.: _____

d. County of registration: _____

e. Registration no.: _____

f. Expires on (date): _____

Date: **Today's Date**

Print your name here

 (PLEASE PRINT NAME)

Sign your name here

 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **Today's Date**

Print your name here

 (PLEASE PRINT NAME)

Sign your name here

 (SIGNATURE OF PLAINTIFF)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) :

FOR COURT USE ONLY

Your First/Last Name Your Street Address Apt #
Your City, State, Zip Code
Your Phone #

**SAMPLE
ONLY
Do not write
on this copy!**

TELEPHONE NUMBER: _____
E-MAIL ADDRESS (Optional): _____

ATTORNEY FOR (Name): SELF-REPRESENTED

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

STREET ADDRESS: 191 N. First Street

MAILING ADDRESS: 191 N. First Street

CITY AND ZIP CODE: San Jose, CA 95113

BRANCH NAME: Civil Courthouse - DTS

PLAINTIFF/PETITIONER **Your First and Last Name**

CASE NUMBER:

DEFENDANT **Tenant's First/Last Name & Other Tenant's Name**

Your Case #

PROOF OF SERVICE OF SUMMONS

Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:

- a. summons
- b. complaint
- c. Alternative Dispute Resolution (ADR) package
- d. Civil Case Cover Sheet (served in complex cases only)
- e. cross-complaint
- f. other (specify documents) : **UD-101; CM-010; UD-120**

3. a. Party served (specify name of party as shown on documents served) :

Tenant's Name, if multiple tenants, you must complete a POS-010 for each tenant.

b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

4. Address where the party was served:

Address where the Server Handed Tenant Forms

(Zip)

5. I served the party (check proper box)

- a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party **Date (MM/DD/YYYY) Server Handed Forms (time) Time (00:00 AM/PM)**
- b. **by substituted service.** On (date) : _____ at (time) : _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3) :

- (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date) : _____ from (city) : _____ or a declaration of mailing is attached.
- (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Your Legal First and Last Name	CASE NUMBER: Your Case #
DEFENDANT: Tenant's First/Last Name & Other Tenant's Name	

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on *(date)* : _____ (2) from *(city)* : _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. **by other means** (*specify means of service and authorizing code section*) :

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. as an individual defendant.
- b. as the person sued under the fictitious name of (*specify*) :
- c. as occupant.
- d. On behalf of (*specify*) :
- under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**
- a. Name: **Server's Legal First and Last Name**
- b. Address: **Server's Complete Street Address, City, State, Zip**
- c. Telephone: _____
- d. The fee for: **Server's Phone #**
- e. I am:
- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: _____
- (iii) County: _____

8. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or
9. **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: **Date Server Signs**

Server's Legal First and Last Name

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

Server's Signs Here

(SIGNATURE)